



Department of Defense

DIRECTIVE

February 27, 1995
NUMBER 3210.6

DDR&E

SUBJECT: **Defense** Grant and Agreement Regulatory System (DGARS)

- References:
- (a) Title 10, United States Code
 - (b) Section 301 of title 5, United States Code
 - (c) DoD Directive 3210.6, "Defense Grant and Agreement Regulatory System (**DGARS**) ," November 2, 1993 (hereby canceled)
 - (d) DoD Directive 3210.2, "Research **Grants** and Title to **Equipment** Purchased Under Grant s," April 22, 1977 (hereby canceled)
 - (e) DoD 5025. 1-M, "DoD Directives System Procedures, " August 1994, authorized by DoD Directive 5025.1, June 24, 1994
 - (f) Section 2358 of title 10, United States Code
 - (g) Section 2371 of title 10, United States Code
 - (h) Section 3710a of title 15, United **States** Code

A. REISSUANCE AND PURPOSE

This Directive under references (a) and (b):

1. Reissues reference (c).
2. Replaces reference (d) .
3. Updates policy and responsibilities for the **DGARS**.
4. Authorizes publication, consistent with reference (e), of the policies and rules comprising the **DGARS in** DoD 3210.6-R, "DoD Grant and Agreement Regulations ," and in DoD Instructions and other DoD Publications, **as** appropriate.
5. **Delegates** the authority of the Secretary of Defense under reference (f) **as** it applies to grants and cooperative agreements, and reference (g) **as** it applies to **transactions** other than **grants** and procurement contracts.

B. APPLICABILITY

This Directive applies to the Office of the Secretary of Defense, the Military Departments, the Defense Agencies, and the DoD Field Act ivities.

C. DEFINITIONS

1. Cooperative Agreement. A legal instrument used to enter into the came kind of relationship as a grant (see subsection C. 3., below), except that substantial involvement is expected between the Department of Defense and the

recipient when carrying out the activity contemplated by the cooperative agreement. The term does not include "cooperative research and development agreements" as defined in 15 U.S.C. 3710a (reference (h)).

2. Defense Grant and Agreement Regulatory System (DGARS). A system of policies and procedures to guide DoD grants and cooperative agreements. It also governs other nonprocurement transactions, where provisions so indicate.

3. Grant. A legal instrument used to enter into a relationship, the principal purpose of which is to transfer a thing of value to the recipient to carry out a public purpose of support or stimulation authorized by a law of the United States, rather than to acquire property or services for the Department of Defense's direct benefit or use. Further, it is a relationship in which substantial involvement is not expected between the Department of Defense and the recipient when carrying out the activity contemplated by the grant.

D. POLICY

The DGARS shall:

1. Be responsive to DoD needs for efficient program execution, effective program oversight, and proper stewardship of Federal funds.

2. Provide for compliance with relevant statutes and Executive orders and for DoD implementation of applicable guidance, such as circulars of the Office of Management and Budget.

3. Provide for collection, retention, and dissemination of management and fiscal data related to grants activities to support grants policy formulation; meet Federal Governmentwide reporting requirements; and support the Inspector General of the Department of Defense in meeting its legal responsibilities for audit and oversight.

4. Apply to DoD grants and cooperative agreements. If implementation of statutes, Executive orders, or Federal Governmentwide rulemakings requires the promulgation of rules applicable to other nonprocurement agreement, in addition to grants and cooperative agreements, the rules may be included in the DGARS, and the applicability to other nonprocurement agreements shall be as stated.

E. RESPONSIBILITIES

1. The Director of Defense Research and Engineering, under the Under Secretary of Defense for Acquisition and Technology, shall:

a. Develop and implement DGARS policies and procedures through the issuance of DoD 3210.6-R and, as necessary, DoD Instructions and other DoD Publications, in accordance with DoD 5025.1-M (reference (e)).

b. Establish policies and procedures for DoD Components' use of transactions other than grants and procurement contracts under the authority of 10 U.S.C. 2371 (reference (g)). Where appropriate, such policies and procedures may be included in DoD 3210.6-R; they may otherwise be included in DoD Instructions or other DoD Publication. For these purposes, the Director

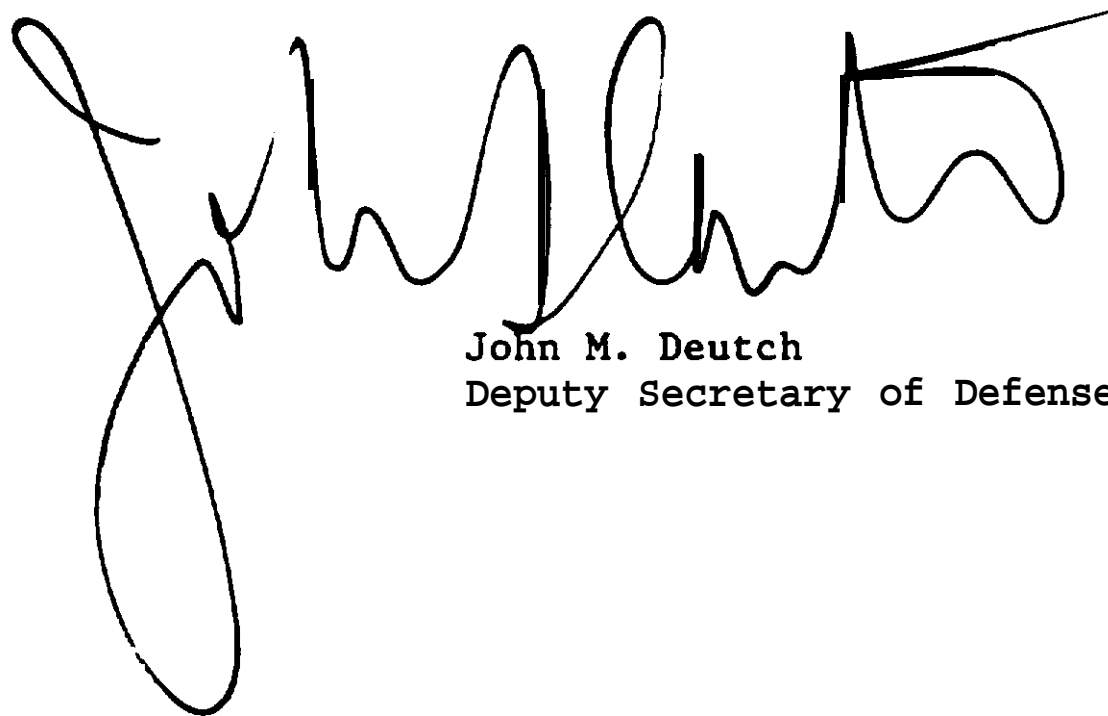
of Defense Research and Engineering is delegated the authorities and responsibilities of the Secretary of Defense under 10 U.S.C. 2371 (reference (g)), with the authority to redelegate.

2. The Secretaries of the Military Departments, the directors of the defense Agencies under OSD Principal Staff Assistants, and the directors of the Defense Agencies that report directly to the Secretary or Deputy Secretary of Defense shall each designate an official who is authorized to coordinate formally for the Military Department or Agency on DGARS provisions, if the Military Department or Agency uses grants, cooperative agreements, or other nonprocurement transaction subject to the DGARS. This will facilitate formulation of DGARS policies and regulations.

3* The Directors of the Defense Agencies under OSD Principal Staff Assistants and those *reporting* directly to the Secretary or Deputy Secretary of Defense shall exercise the authority that is vested in the Secretary of Defense by 10 U.S.C. 2358 (reference (f)) to perform research and development projects by grant or cooperative agreement. This authority may be redelegate.

F. EFFECTIVE DATE AND IMPLEMENTATION

This Directive is effective immediately. Any DoD Component designating a new official to coordinate on DGARS provisions, in accordance with paragraph E.2., above, shall provide written notification to the Director of Defense Research and Engineering within 120 days of the new designation.

A large, stylized handwritten signature in black ink, likely belonging to John M. Deutch, is positioned above the printed name and title.

John M. Deutch
Deputy Secretary of Defense